

In re Patent Application of:
ROBERT M. HERRIN
Serial No. 10/721,962
Filing Date: 11/25/2003

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts in the examination of this application, and now request the finality of the office action be retracted. Claims 1-19 and 46-56 remain in the case.

Claims 1-19 and 48-56 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The current Examiner has expressed the view that language in Claim 1 such as "moving thereby and folding portions thereof" and "through a biasing and a driving of the blank therefrom" is confusing. Respectfully, it is to be noted that this rejection under 35 USC §112, second paragraph presents a new ground for rejection.

By way of support, such language is exactly expressed in claim 1, as originally filed, and has remained in the claims during the multiple examinations and office actions (dated 06/23/2005; 02/01/2005; and 10/21/2004) of Primary Examiner Eugene Lee Kim, and in the previous examination (office action dated 10/06/2005) by the current Examiner Christopher R. Harmon. Guided by MPEP 706.07(a), it would appear under present practice that a second or any subsequent action on the merits should not be final, except where the examiner introduces a new ground of rejection that is not necessitated by applicant's amendment of the claims.

As above presented, the language in the claims that the Examiner feels is confusing has always been in the claims. Respectfully, Applicant requests that the finality of the Office Action of 06/28/2006 be withdrawn.

The undersigned would like to note that if indeed the language of the claims is confusing to the current Examiner, reopening the prosecution will allow further discussion with the Examiner and appropriate amendments to be entered for a more

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efficient prosecution of this application to patent issue. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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